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June 22, 2023

BY ECF

The Honorable Alvin K. Hellerstein
United States District Court for the Southern District of New York
Room 1050
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *People of The State of New York v. Donald J. Trump*, No. 23 Civ. 3773 (AKH)

Dear Judge Hellerstein:

The parties respectfully submit this joint letter to address three matters in advance of the June 27, 2023 hearing in this proceeding.

First, to streamline the June 27 hearing, the parties have stipulated to the admissibility of the following exhibits for purposes of the June 27 hearing only:

- Ex. 3 (ECF No. 24-2);
- Ex. 4 (ECF No. 18-4), for the language cited in the People's Memorandum;
- Ex. 5 (ECF No. 18-5), for the language cited in the People's Memorandum;
- Ex. 6 (ECF No. 18-6), for the language cited in the People's Memorandum;
- Ex. 7 (ECF No. 18-7), for the language cited in the People's Memorandum;
- Ex. 8 (ECF No. 24-3);
- Ex. 9 (ECF No. 24-4);
- Ex. 10 (ECF No. 24-5);
- Ex. 11 (ECF No. 24-6);
- Ex. 12 (ECF No. 24-7);
- Ex. B to the Necheles Affirmation (ECF No. 01-1), subject to the qualification noted in the People's Memorandum Supporting Remand at 2 n.2; and
- Ex. B to the Blanche Affirmation (ECF No. 35-2).

The parties agree that they will exchange any additional exhibits they intend to introduce by 12 p.m. on Monday, June 26. The parties reserve the right to offer rebuttal exhibits at the hearing on June 27, subject to objections and admissibility.

Second, the parties have stipulated that they will not present live witness testimony at the June 27 hearing. To the extent the Court deems it necessary to hear from factual witnesses after the arguments of the parties on June 27, 2023, the defense respectfully requests that the Court schedule such a hearing at a convenient date after June 27, 2023.

Third, to the extent a defendant has the right to be physically present at a 28 U.S.C. § 1455(b)(5) hearing under Rule 43 of the Federal Rules of Criminal Procedure, the Sixth Amendment Confrontation Clause, the Fifth Amendment Due Process Clause, or other authority, defense counsel requests that the Court waive the defendant's presence at the June 27 hearing. Todd Blanche has represented, and will do so on the record on June 27, that he has discussed with the defendant any rights he may have to be present at the Section 1455(b)(5) hearing and the defendant has voluntarily waived such rights.

Respectfully submitted,

/s/ Matthew Colangelo

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